

HELP for the house may be secured through The Journal—good help—with ease and dispatch, at small cost.

# THE JOURNAL.

WANTS of all sorts may be easily and quickly satisfied by using the advertising columns of The Journal.

PAGES 9 TO 16.

TUESDAY, JUNE 2, 1896.—SIXTEEN PAGES.

PAGES 9 TO 16.

## TWO POINTS FOR MRS. FLEMING.

State's Witness Charles A. Anderson Contributes to Her Defence.

Police Inventory of Her Effects Not Verified by the Colonial Hotel Manager.

Rooms She Occupied Cleaned and Disinfected Before Poison Was Found There.

QUESTION OF MOTIVE RAISED

Prosecution Tries to Show That the Defendant Needed Money, Expected Soon to Be in Funds, and Got Them on Her Mother's Death.

By Edgar Saltus.

Yesterday morning Mrs. Fleming kept bench and bar waiting her pleasure, and it was not until she finally deigned to appear, fifteen minutes after the court had officially been convened, that the jury roll was called. As she entered she nodded at her sister, gathered her in her train, crossed the room, a smile on her face, a smile in her eyes, greeted her counsel, gave a nod, half of recognition, half of condescension at the twelve men who are to convict or acquit her, and seated herself for all the world as had she come to a tea. As an exhibition it was as significant as any that has yet occurred; you could see that there was a woman confident not alone in her charm, but of her release. It was not only significant, it was well done, but even while the effect of it persisted, attention was diverted by the entrance of a witness on the stand, an easy-going chap, with a careless laugh, who stated that he was Charles A. Anderson, manager of the Colonial Hotel, at which place Mrs. Fleming, prior to her arrest was presently shown to have resided.

During the examination which ensued Assistant District-Attorney McIntyre asked leave of the Court to put leading questions on the ground that Mr. Anderson was an adverse witness. He did not so appear, however. He seemed quite neutral, unable merely to remember certain incidents that occurred nine months ago; unwilling to swear to what he was uncertain of; an inability and an unwillingness which became as manifest under cross-examination as it was during the direct.

THE "ADVERSE" WITNESS'S TESTIMONY.

In reply to Mr. Miller he said that he knew the defendant; precisely when he had made her acquaintance he could not recall, but he stated that on June 6, boxes, baskets, baby carriages, bundles and bags belonging to her arrived at the hotel and that when she arrived she was given a suite of rooms, numbered 71 and 73, on the second and third floors of the annex, facing on One Hundred and Twenty-fifth street.

A diagram of the rooms was shown, declared to be correct by the witness, who added that the meals of the defendant were served there; that she occupied them until September 3; that her effects were then removed to the store room, where they remained until October 2, on which date they were delivered to Police Inspector McCullagh.

"Did you give him a receipt for the articles which he took?" Mr. Miller asked—a wise and intelligent question which he continued to repeat until it was pointed out to him by Mr. Brooke that a receipt given to the receiver of goods is as much of a novelty in jurisprudence as it is in every day life. It was at this point, to create a diversion no doubt, that Mr. McIntyre, who has to provide wit for everybody, asked that the witness be adjudged adverse, a request which caused the witness to distribute among the jury fresh gleams of his careless smile.

"Dear me," he seemed to say, "if you call me adverse, I say; but it is to the stupidity of the question."

Mr. Miller, however, who meets rebuffs with the air of a man accustomed to them, piped steadily away and eventually succeeded in extricating from the witness a fact material, not to the prosecution, but to the defence, that the removal of the goods had not been overseen by him and that an inventory of them subsequently brought by the Inspector had been signed without verification, because of his entire confidence in that officer, a statement, parenthetically, to which the latter, who had just entered court, listened with an appearance of naïveté such as might be displayed by a cherub in a picture. It was a field day for him.

MRS. FLEMING'S DEBTS.

Continuing, Mr. Miller inquired about the checks for meals served to the defendant and whether she was in any way in debt to the hotel. Before the witness could answer Mr. Brooke objected, and Mr. McIntyre again came to the rescue of his associate.

"I ask the Court," he said, "to permit the question. It is put in order to illustrate the defendant's motive in killing her mother. She was then in debt, harassed by creditors and had stated that she would be shortly in funds. As for her indebtedness at the hotel it was settled three days ago by one of her counsel."

"And I, Your Honor," interjected Mr. Brooke, "would like to inquire in what aspect does that illustrate her motive to kill her mother? motive must precede an act, and the fact of subsequent payment can have no relation to the subject. Against the question I enter an objection. It is irrelevant, immaterial and highly improper. I ask also that my objection be put upon the record. In the case of the People against Noelle it was decided."

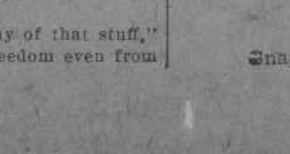
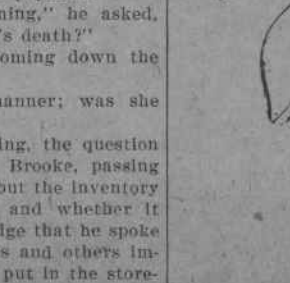
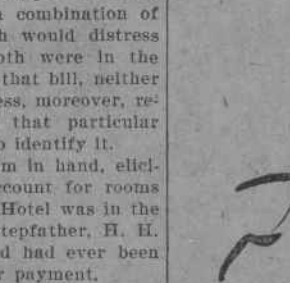
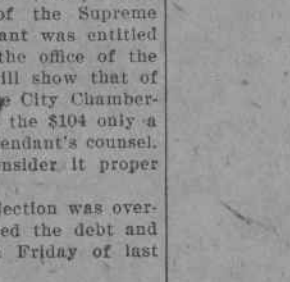
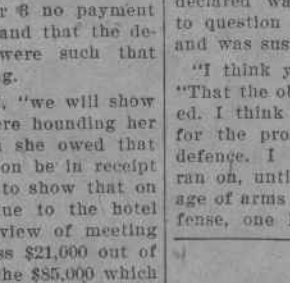
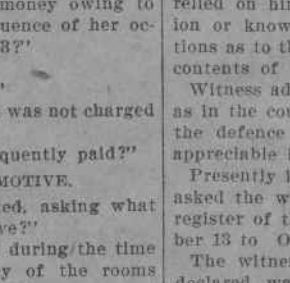
Recorder Goff, interrupting—You have referred to that case several times. I should like to see it. Have you the case here?

Mr. Brooke—No. I will get it. I think it is in 106 New York.

"Meanwhile," continued the Recorder, "I overrule your objection. Witness, your answer."



Charles A. Anderson



## MRS. FLEMING, HER SISTER, THE COURT ATTENDANT WHO GUARDS HER AND FIGURES OF THE TRIAL.

Charles Anderson, the manager of a hotel in which Mrs. Fleming lived at the time of her mother's death, was the principal witness yesterday. He was called by the State, but gave testimony which will prove of great value to the defense. During the morning Dr. Parkhurst sat for a time on the bench with Recorder Goff.

"Mrs. Fleming owed nothing." "At the time Mrs. Fleming left your hotel, on September 3," Mr. Miller then asked, "was any sum of money owing to you as manager in consequence of her occupancy of rooms 71 and 73?"

"Yes, sir." "What was the amount?" "The amount was \$104; it was not charged to Mrs. Fleming."

"Was that amount subsequently paid?"

A QUESTION OF MOTIVE.

Mr. Brooke again objected, asking what had that to do with "motive?"

Mr. McIntyre stated that during the time of Mrs. Fleming's tenancy of the rooms from June 6 to September 6 no payment whatever had been made and that the defendant's circumstances were such that she could not pay anything.

"Later on," he continued, "we will show that numerous persons were handling her for sums of money which she owed that she declared she would soon be in receipt of funds. We also want to show that on September 2 there was due to the hotel \$104, and that with the view of meeting this and other indebtedness \$21,000 out of an awarded amount from the \$85,000 which the Appellate Division of the Supreme Court decided this defendant was entitled to was withdrawn from the office of the City Chamberlain. We will show that of the money drawn from the City Chamberlain this witness received the \$104 only a few days ago from the defendant's counsel. Does not Your Honor consider it proper evidence?"

Thereat Mr. Brooke's objection was overruled, and witness admitted the debt and its payment by check on Friday of last week.

"By whom was the check signed?" Mr. Miller asked.

"I object," said Mr. Brooke. "This is a matter occurring since the indictment."

But the objection was not sustained, and the witness, with another careless laugh, answered, lightly:

"John C. Shaw."

Then after a package of restaurant checks had been presented and marked for identification, a bill of fare was introduced. Necessarily it was expected that more would be heard on the subject of clam chowder and lemon pie—a combination of food parenthetically which would distress an ostrich—but though both were in the air, and probably, too, on that bill, neither was mentioned. The witness, moreover, remembered nothing about that particular programme and declined to identify it.

Mr. Brooke then took him in hand, elicited from him that the account for rooms and board at the Colonial Hotel was in the name of the defendant's stepfather, H. H. Bliss, and that no demand had ever been made on Mrs. Fleming for payment.

"Did you see Mrs. Fleming," he asked, "the day after her mother's death?"

"Yes, I did; she was coming down the stairs."

"Did you notice her manner; was she weeping?"

But Mr. McIntyre opposing, the question was not allowed, and Mr. Brooke, passing to other matters, asked about the inventory of Mrs. Fleming's effects and whether it was from personal knowledge that he spoke of the bags, bundles, boxes and others impounded which had been put in the store-room.

"The only time I saw any of that stuff," the witness with entire freedom even from

grammar replied, "was when McCullagh pointed them out to me." "H'm," said Mr. Brooke longly. "You relied on him, not on your own recollection or knowledge, but on his representations as to the accuracy of the list and the contents of the boxes?"

Witness admitted the impeachment. And, as in the course of the trial it will appear the defence scored there a point of unappreciable importance.

Presently it scored another. Mr. Brooke asked the witness if he had with him the register of the hotel dating from September 13 to October 3, 1895.

The witness produced a copy, which he declared was correct. Mr. Brooke began to question him. Mr. McIntyre objected and was sustained.

"I think your Honor," said Mr. Brooke, "that the objection should not be sustained. I think there should not be one rule for the prosecution and another for the defence. I think,"—he continued and so ran on, until there came a veritable passage of arms between the Court and the defence, one however which was promptly

succeeded by an exchange of compliments. When the examination was resumed, Mr. Brooke scored the second greatest point of a WINNING FOR THE DEFENCE.

It has been rumored that it is the intention of the prosecution to show that poison discovered at the autopsy was identical with the poison discovered in the carpet of the rooms occupied by Mrs. Fleming in the Colonial Hotel. The examination of the witness as have appended may make that demonstration rather difficult.

Mr. Brooke began, the copy of the register before him, by asking whether the rooms tenanted by Mrs. Fleming, were not after her arrest, and during the month of September occupied by a procession of guests.

The witness replied that such was the case.

"Now," said Mr. Brooke, "what is the custom of dealing with rooms that have been tenanted? For instance, when rooms Nos. 71 and 73 were vacated by Mrs. Fleming, what did the hotel do so far as these

rooms were concerned?" "We clean them," the witness answered, "with broom and carpet sweeper and disinfect them with a solution of carbolic acid and turpentine, which we put around the baseboard on the carpet."

Here Mr. McIntyre objected and was sustained when it was shown that the witness did not perform the work herself, whereupon Mr. Brooke got the information through another gate.

"To whom did you give orders for this cleaning?"

"To our houseman, Nelson Cadmus."

"In whose custody were the cleaning articles?"

"In the custody of Cadmus."

"Were you present at any time during the cleaning?"

"No, but I gave him orders every day."

"Did you send Cadmus to do this particular work in rooms Nos. 71 and 73 after Mrs. Fleming had left them?"

"Yes, sir."

"And you saw him in the rooms?"

"Yes, sir."

"Do you know where Cadmus is now?"

"I do not." FOUNDATIONS FOR OTHER POINTS. "Were the rooms kept locked or unlocked after Mrs. Fleming left?"

"They were kept locked."

"Do you recollect going up there with Mr. McKeever, the proprietor, on September 6 and finding them unlocked?"

"I remember going up there, but I don't remember that the rooms were unlocked."

"Can you remember when Patrolmen Moore and Sawyer were first let into the rooms occupied by Mrs. Fleming whether the door was unlocked?"

"I never let them into the rooms in my life."

"You did not?" repeated Mr. Brooke.

"Well, then, I will ask you about something else," Which he did, and drew from the witness that the storeroom in which Mrs. Fleming's effects had been placed was open to all the servants, and that any one who so desired was free to go there and rummage about.

During the proceedings Dr. Parkhurst entered court. He took a seat on the Bench, where he was presently joined by Justice Newburgh. Meanwhile Inspector McCullagh, a type of the finest, dressed in the finest, dressed to the eyes in shimmering gold and imperial blue, put a note that was brilliant among the black coats that were there. At the close of the morning session he had been sworn, but in view of the parade, for which his splendor was requisite, he was allowed to go. After recess, because of an accident which happened on Saturday to the wife of Richard M. Montgomery, a juror, and because of a death in the family of Mr. Buchel, another juror, an adjournment was granted until to-day.

HIS FRIEND ON THE RAIL.

Herman Eak Found Dying on the Track by an Engineer Who Knew Him Well.

The engineer of the Harlem River Railroad train which left New Brunswick on the first down trip yesterday morning for South Amboy noticed the body of a man stretched across the tracks in a place of woods between South River and Sayreville. He happened to be running very slow at the time or he would not have been able to stop in time to avoid hitting the body.

The spot is near a curve, and the engineer couldn't see very far ahead. He pulled up his train, and was shocked to see the body of Herman Eak, whom he knew well. The man was still alive, but unconscious. There was a bullet wound in his head, and one of his hands was cut off.

The body was taken to the depot at South Amboy, where a physician examined the dying man. Eak died within a few hours, and gave no word or sign to show how he had met his death.

Investigation at the spot where the body was found indicated plainly there had been a struggle. The ground was covered with footprints, and it seemed as though the combatants had rolled over the ground again and again. Near by was found a double-barrelled shotgun with one barrel empty. How Eak's hand came to be cut off is a mystery. The motive is believed to have been robbery, for Eak always had considerable money with him.

Eak was a man of family and good habits. He left home, not more than a mile from where he was found, Decoration Day morning, intending to take a vacation in New Brunswick.

IT WAS THE OLD STORY. Unable to Secure Work Heinlein Took Poison and Died.

Frank Heinlein, thirty-two years old, a stone cutter, committed suicide yesterday afternoon by swallowing two ounces of carbolic acid at his home, No. 138 Evergreen avenue, Williamsburg. He died shortly after reaching St. Catherine's Hospital.

Heinlein lived with his wife and four children. He was unable to obtain steady employment and as a result his family suffered greatly for proper nourishment. This preyed greatly upon his mind. Yesterday morning he left his home to make another attempt to find work, but returned unsuccessful.

"It is the old story," he said to his wife, "just as bad luck as usual."

Mrs. Heinlein tried to cheer up her husband by telling him that better luck would probably follow the next time. Heinlein made no reply, but going to the front room, he swallowed the acid. His wife heard his groans and finding him suffering called a neighbor. The latter summoned an ambulance and when the surgeon arrived he found the man's condition was critical. He had been in the hospital but a few minutes when he expired.

## TERRIFIC BATTLE WITH A MAD EAGLE.

Young Hunter Captures Fledglings and Is Set Upon by the Mother Bird.

Fight Occurs Sixty Feet Above the Earth in the Top of a Tall Tree.

BIRD TRIES TO PECK BOY'S EYES OUT.

His Clothes Are Nearly Torn Off and He Is Badly Hurt—His Companion Injured in a Second Attack.

Nutley, N. J., June 1.—Robert Smith and Harry Stager, two young men of this place, had a thrilling experience yesterday with an eagle on the Second Mountain, three miles from town.

Smith and Stager started to hunt wild birds. Smith spied a nest in the top of a large tree at the foot of the mountain. He climbed the tree, and when nearly sixty feet from the ground crawled out on a limb which projected into a large opening in the mountainside, and peeping into the hole saw three eaglets. He quickly seized the eaglets, put them in a bag, and was about to make the descent, when he was startled by peculiar cries and flapping of wings. He saw the mother eagle and in a moment Smith was having a lively battle with the huge bird. He succeeded in keeping the bird's claws from his eyes, but his clothes were almost torn off, while only cuts about his head and face, testified to the eagle's strength and fury. Smith finally dealt the bird a blow on its neck, causing it to go reeling down the mountainside. He was almost exhausted and was hardly able to get to the ground, where he was barely able to stand on his feet. He had the young birds with him, however, and soon after he reached the ground he fell in a faint from weakness and excitement.

His companion Stager rushed to a stream near by and got some water with which he washed the blood from Smith's face and hands. The young man was finally restored to consciousness. When the two started off the eagle, which had by this time recovered, started after them and made several attempts to get possession of her young. In this battle Stager was pecked in the face by the angry bird and was painfully injured.

When Smith reached his home on Chestnut street, a physician had to be called to attend to his injuries. The captured eaglets are now on exhibition at Smith's home, where many persons have come to see them and hear the exciting adventure related.

IN AN EAGLE'S TALONS.

An Insurance Agent Has a Hard Battle with a Huge Bird.

Potoskey, Mich., June 1.—An insurance agent named Oscar Talcott, who is canvassing among the farmers, while passing through the woods of Allis Township, was struck by a huge eagle, which fastened its claws in his neck and face. After a fierce fight the bird was driven off and Talcott returned to this city. His cheeks and neck were deeply cut by the eagle's talons, and his derby hat was cut to pieces.

Ten days ago Lorenzo Wakeford, a farmer, was attacked in the same way and had a finger crippled. Two years ago in the same vicinity the child of Freeman Rose was carried three or four miles and was rescued by the father, who pursued on horseback and shot the eagle as it stopped to rest.

GRAND LODGE MASONS HERE.

Their Annual Three Day Convention Will Begin To-day.

To-day the New York State Grand Lodge of Masons will begin their one hundred and fifteenth annual meeting in the Masonic Temple, in Twenty-third street, and it will last three days. Twelve hundred delegates, representing 100,000 Masons, will be present.

Grand Master John Stewart is a candidate for re-election. While it is a custom to elect a grand master for a second term, it is not an unbroken custom, and James S. Manning, of New York, is the opposing candidate. Stewart's chances, however, are said not to be in danger.

Bishop Potter will open the first session this afternoon with prayer. Then Grand Master Stewart will deliver his address. Grand Secretary E. M. L. Ehlers will read his report and routine work will take the rest of the day. The election will be to-morrow.

Wednesday noon a complimentary luncheon will be given the delegates at the German Masonic Temple in East Fifteenth street. The new constitution will be considered on Thursday.

The report that the grand lodge will buy ground in Harlem and build a new temple is denied absolutely. The lodge was never in better financial condition.

IT WAS THE OLD STORY.

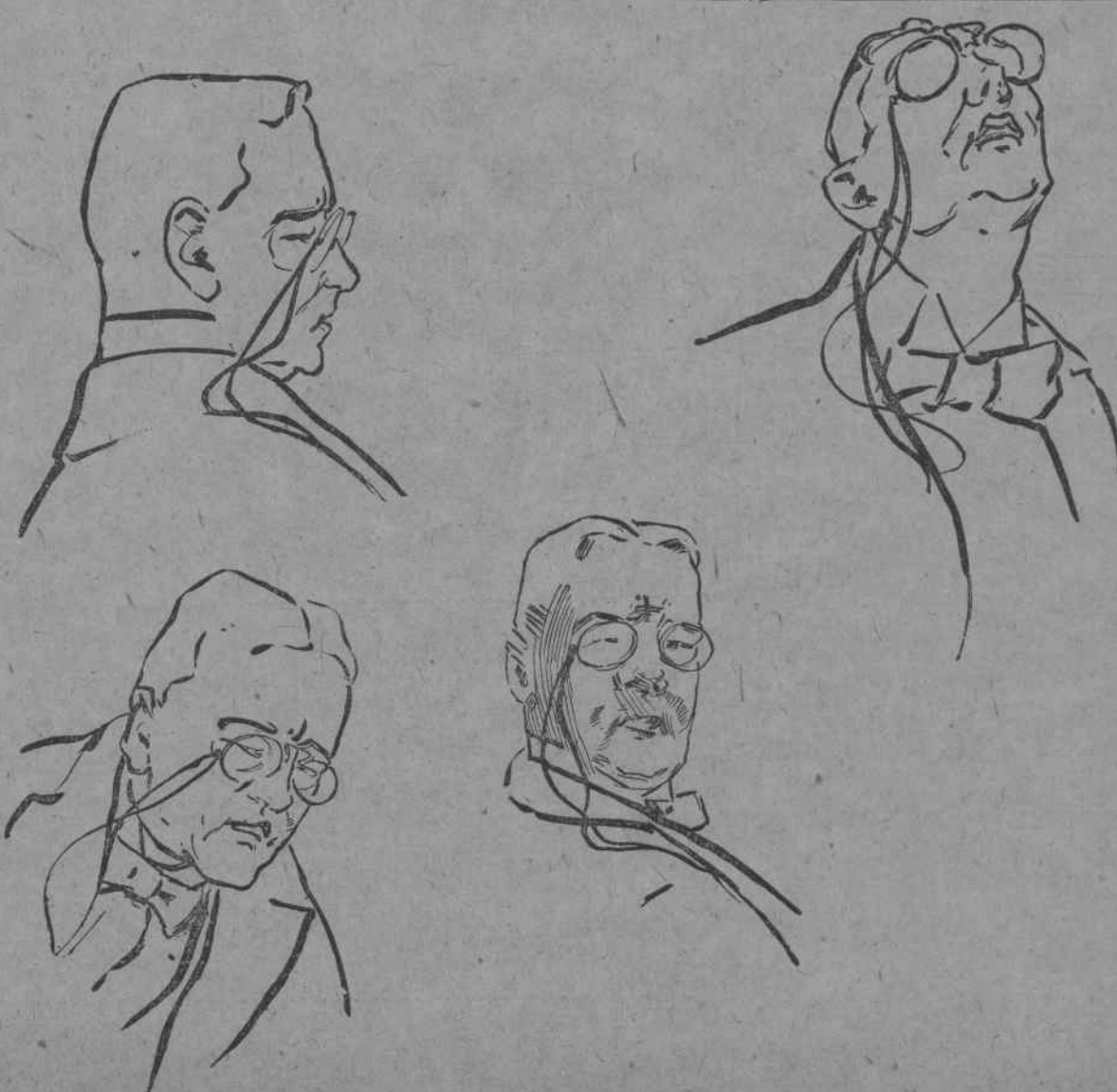
Unable to Secure Work Heinlein Took Poison and Died.

Frank Heinlein, thirty-two years old, a stone cutter, committed suicide yesterday afternoon by swallowing two ounces of carbolic acid at his home, No. 138 Evergreen avenue, Williamsburg. He died shortly after reaching St. Catherine's Hospital.

Heinlein lived with his wife and four children. He was unable to obtain steady employment and as a result his family suffered greatly for proper nourishment. This preyed greatly upon his mind. Yesterday morning he left his home to make another attempt to find work, but returned unsuccessful.

"It is the old story," he said to his wife, "just as bad luck as usual."

Mrs. Heinlein tried to cheer up her husband by telling him that better luck would probably follow the next time. Heinlein made no reply, but going to the front room, he swallowed the acid. His wife heard his groans and finding him suffering called a neighbor. The latter summoned an ambulance and when the surgeon arrived he found the man's condition was critical. He had been in the hospital but a few minutes when he expired.



DR. O'SULLIVAN IN REPOSE, INTERESTED AND BORED.

Snap shots at the medico-legal expert who is assisting in the prosecution of Mrs. Fleming.